

# **CHARTER OF THE CULTURAL PROPERTY ADVISORY COMMITTEE**

## **I. Committee's Official Designation**

The official designation of the Committee is the Cultural Property Advisory Committee, hereinafter referred to as "the Committee."

## **II. Authority**

The Committee is established by Section 306 of the 1983 Convention on Cultural Property Implementation Act, as amended (Title III, Public Law 97-446) ("the Act"), codified at 19 U.S.C. § 2605. The Committee is also established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

## **III. Objectives and Scope of Activities**

The objectives and the scope of the activities of the Committee are generally to advise the President on appropriate U.S. action in response to requests from States Parties to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, adopted November 14, 1970 by the 16th General Conference of the United Nations Educational, Scientific and Cultural Organization. Such requests are for assistance in protecting a State Party's cultural patrimony under the Convention on Cultural Property Implementation Act, Public Law 97-446, as amended, signed into law on January 12, 1983. Through delegations of authority, the Secretary of State, the Under Secretary for Public Diplomacy and Public Affairs, and the Assistant Secretary for Educational and Cultural Affairs (collectively, "the President's designee") may exercise authority under the Act.

## **IV. Description of Duties**

The Committee reviews and investigates requests of States Parties to the Convention, to determine whether the requests of the States Parties meet the requirements of the Act for the purposes of entering into bilateral or

multilateral agreements authorized under the Act, or whether the President's designee should unilaterally institute emergency import limitations specified in the Act. Further, the Committee carries out continuing review of the effectiveness of agreements and emergency import limitations. The Committee, as specified in the Act, also makes recommendations concerning extensions and suspensions of agreements and emergency restrictions.

The duties of the Committee are advisory in nature. The authority for the advisory activities of the Committee is Section 306 of the Act.

#### V. Agency or Official to Whom the Committee Reports

The Committee prepares reports to the President's designee and Congress concerning its recommendations. Management functions with respect to the Committee are performed by an Executive Director within the Bureau of Educational and Cultural Affairs, United States Department of State, who receives broad guidance from the Office of Legal Adviser and the Federal Advisory Committee Management Officer.

#### VI. Support

The Department of State is responsible for providing to the Committee such administrative and technical support services and assistance as it may reasonably require to carry out its activities. At the request of the Committee, the head of any other Federal agency may detail to the Committee, on a reimbursable basis, any of the personnel of his/her agency to assist the Committee in carrying out its functions and provide any information and assistance to the Committee that it may reasonably require to carry out its activities.

#### VII. Estimated Annual Operating Costs and Staff Years

The Committee's estimated annual operating costs are \$610,703, which includes five FTEs.

#### VIII. Designated Federal Officer

The Executive Director of the Bureau's staff established to provide support for the Committee serves as the Designated Federal Officer (DFO).

According to the Act, the Committee shall meet at the call of the Secretary of State, or when a majority of its members request a meeting in writing. An alternate DFO may also be appointed. The DFO prepares and approves all meeting agendas, attends all Committee (and any subcommittee) meetings, adjourns any meeting when he or she determines adjournment to be in the public interest, and chairs meetings when directed to do so by the Assistant Secretary for Educational and Cultural Affairs.

#### IX. Estimated Number and Frequency of Meetings

It is anticipated that the Committee will meet formally three times a year.

#### X. Duration

The Committee is statutory and may only be terminated by law.

#### XI. Termination

The Committee has no termination date under the Act.

#### XII. Membership and Designation

The Act provides that the Committee is composed of eleven experts and professionals appointed by the President. Representation on the committee is stipulated by Section 306(b) of the Act: (1) two members who represent the interests of museums; (2) three members who are expert in archaeology, anthropology, ethnology, or related fields; (3) three members who are expert in the international sale of cultural property; and (4) three members who represent the interest of the general public. Terms are staggered and are for three years. A member continues to serve until replaced, and a member may be reappointed. Committee members are Special Government Employees (SGEs).

#### XIII. Subcommittees

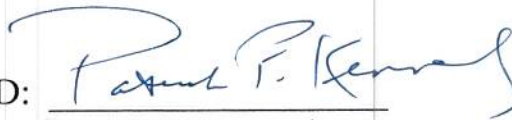
The Assistant Secretary for Educational and Cultural Affairs may establish subcommittees. Any subcommittees must report back to the

Committee and do not provide advice or work products directly to the Department of State.

XIV. Recordkeeping and Public Access

The records of the Committee and any subcommittees are handled in accordance with General Records Schedule 6.2. In accordance with the Act, the provisions of FACA apply to the Committee except that the requirements of subsections (a) and (b) of section 10 and section 11 of FACA (relating to open meetings, public notice, public participation, and public availability of documents) do not apply to the Committee whenever and to the extent it is determined by the President's designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or bargaining positions on the negotiations of any agreement authorized by this chapter.

APPROVED:



Patrick F. Kennedy  
Under Secretary of State  
for Management

DATE:

April 5, 2016

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